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1. (Amended)A smoking article including
 - a tobacco column;
 - a wrapper surrounding the tobacco column; and
 - a carbon monoxide pump including an adsorbent material for adsorbing carbon monoxide and subsequently releasing carbon monoxide or a reaction product thereof, thereby creating a flux from the adsorbent material separate from main stream combustion products, wherein the carbon monoxide pump is positioned proximate a smoker's mouthpiece end of the tobacco column with respect to the tobacco column so as to selectively divert carbon monoxide from main stream combustion products prior to inhaling by a smoker.

22. (Amended)A smoking article including:
 - a tobacco column;
 - a wrapper surrounding the tobacco column; [and]
 - a carbon monoxide pump proximate a smoker's mouthpiece end of the tobacco column including:
 - an adsorbent material for adsorbing carbon monoxide;
 - a catalyst for oxidizing carbon monoxide to carbon dioxide[,]; and
 - venting holes adjacent to the adsorbent material,wherein the carbon monoxide pump selectively diverts carbon monoxide from main stream combustion products, the catalyst at least partially oxidizes the carbon monoxide to carbon dioxide and the venting holes provide an alternative path for the diverted carbon monoxide and the oxidized carbon monoxide to check inhalation by a smoker.

23. (Amended)The smoking article according to Claim [21]22, wherein the venting holes facilitate the further diversion of carbon monoxide from main stream smoke.

24. (Amended)The smoking article according to Claim [21]22, wherein the catalyst is at least one of a transition metal, an oxide of a transition metal, and a transition metal and an oxide of a transition metal.

28. (Amended)The smoking article according to Claim [21]22, further including at least one additional filter element proximate the smoker's mouthpiece end.

32. (Amended)The smoking article according to Claim [21]22, wherein the adsorbent material has the propensity that the adsorbing is momentary.

34. (Amended)The smoking article according to Claim [21]22, wherein the adsorbent material is a zeolite that is operable as the adsorbent.

35. (Amended)The smoking article according to Claim [21]22, wherein the adsorbent material is an oxide that is operable as the adsorbent.

40. (Amended)The smoking article according to Claim 31, wherein the adsorbent material is a support for the catalyst.

46. (Amended)A mouthpiece for a smoking article comprising:
a fitting to receive a smoking article, and
a carbon monoxide pump in the fitting including an adsorbent material for adsorbing carbon monoxide, wherein the carbon monoxide pump is positioned with respect to the smoking article so as to selectively divert carbon monoxide from main stream combustion products prior to inhaling by a smoker.

47. (Amended)A mouthpiece for a smoking article comprising:
a fitting to receive a smoking article;[, and]
a carbon monoxide pump in the fitting including:
an adsorbent material for adsorbing carbon monoxide,

a catalyst for oxidizing carbon monoxide to carbon dioxide[,]; and
venting holes adjacent to the adsorbent material,

wherein the carbon monoxide pump selectively diverts carbon monoxide from main stream combustion products, the catalyst at least partially oxidizes the carbon monoxide to carbon dioxide and the venting holes provide an alternative path for the diverted carbon monoxide and the oxidized carbon monoxide to check inhalation by a smoker.

Remarks

The Applicants first wish to thank the Examiner for the courtesy extended to Applicant's attorney during the telephone Interview on March 19, 2002.

The Office Action mailed January 8, 2002 has been carefully considered. After such consideration, Claim 31 have been cancelled without prejudice and Claims 1, 22, 23, 24, 28, 32, 34, 35, 40, 46, and 47 have been amended. Applicant acknowledge the provisional election made with traverse to prosecute the invention of Group I, claims 1-3, 22-40, and 46-47, drawn to a smoking article made on December 21, 2001 and the withdrawal from consideration by the Examiner of Group II, claims 4-41, drawn to a carbon monoxide pump and Group III, claims 41-45, drawn to a method of removing carbon monoxide from a smoking article. As such, Claims 1-30 and 32-47 remain in the case with none of the claims having yet been allowed.

The Office Action had rejected Claims 1-3, 22-40, 46 and 47 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The amendments of the Claims renders the rejection moot. The 35 U.S.C. 112, second paragraph, rejection being moot should thus be withdrawn.

The Office Action had rejected Claims 1-3, under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, as being unpatentable under 35 U.S.C. 103(a) over US Patent No. 4,317,460 (Dale *et al.*). Applicants traverse the rejection. Specifically, the rejections based on Dale *et al.* are improper because Dale *et al* neither discloses nor suggested

the claimed invention. The 35 U.S.C. 102(b) and 35 U.S.C. 103(a) rejections being improper should thus be withdrawn.

The Office Action also had rejected Claims 1-3, 22-40, 46 and 47 under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 4,317,460 (Dale *et al.*) of record in view of US Patent No. 4,301,816 (Wahle *et al.*). Applicants traverse the rejection. Specifically, the rejection based on Dale *et al.* in view of Wahle *et al.* is improper because the shortcomings of Dale *et al.* are not remedied by combination with Wahle *et al.* Moreover, the Office Action provides no evidence that one of ordinary skill in the art would have seen a motivation to combine Dale and Wahle to achieve Applicant's claimed invention, as must be done under the Administrative Procedures Act to justify rejection of the claims. *In re Lee*, 61 USPQ 2d 1430 (Fed. Cir. 2002). The 35 U.S.C. 103(a) rejection, being improper, should thus be withdrawn.

The Applicants submit that by this amendment they have placed the case in condition for immediate allowance and such action directed to Claims 1-3, 22-40, 46 and 47 is respectfully requested. However, if any issue remains unresolved, Applicant's attorney would welcome the opportunity for a telephone interview to expedite allowance and issue.

Respectfully submitted,



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